

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : Chapter 13
Mohammed Q. Khan and :
Samina Khan, : Case No. 18-bk-00668-RNO
Debtors :
:
Mohammed Q. Khan and : Second Objection to Notice of Postpetition
Samina Khan, : Mortgage Fees, Expenses and Charges
Movants :
:
v. :
:
U.S. Bank Trust, N.A. as :
Owner Trustee for Carisbrook Asset :
Holding Trust, :
Respondent :
:

SECOND OBJECTION TO NOTICE OF POSTPETITION
MORTGAGE FEES, EXPENSES AND CHARGES

The Debtors, by and through their attorney, Philip W. Stock, object to Respondent's Notice of Postpetition Mortgage Fees, Expenses and Charges for the following reasons:

1. On February 21, 2018, Debtors filed their Petition for Relief under Chapter 13 of the Bankruptcy Code;
2. U.S. Bank Trust, N.A. as Owner Trustee for Carisbrook Asset Holding Trust (U.S. Bank) is a lending institution with a principal office located at 300 East Delaware Avenue, Wilmington, DE 19809;
3. On March 1, 2018, Debtors filed their Chapter 13 Plan;
4. On June 21, 2018, U.S. Bank filed a Notice of Postpetition Mortgage Fees, Expenses and Charges (Notice). The Notice sets forth the following fees:

Attorney Fee regarding preparation and filing of Notice	\$100.00
Title Fee	125.00
Total	<u>\$225.00</u>

5. Debtors believe and therefore, aver that it is the responsibility of U.S. Bank to prepare and file the Notice of Postpetition Mortgage Fees, Expenses and Charges;
6. Debtors believe and therefore, aver that it is unnecessary to employ a law firm to perform this, relatively, simple task of preparing and filing the Notice;
7. Debtors believe and therefore, aver that if U.S. Bank prefers to employ a law firm to perform this task then, it should bear the cost of such service (\$100.00) since, it is a luxury that Debtors should not be required to bear;
8. Moreover, Debtors believe and therefore, aver that the attorney fee listed by U.S. Bank in its Notice is improper since Act 6 and Act 91 preclude the charging of such fees against Debtors when the mortgage is against Debtors' primary residence.

WHEREFORE, Debtors request that your Honorable Court issue an Order sustaining their Second Objection to the Notice of Postpetition Mortgage Fees, Expenses and Charges. Furthermore, Debtors request that your Honorable Court issue an Order finding that the appropriate amount for the postpetition mortgage fees, expenses and charges is \$125.00.

Date: 07/06/18

/s/Philip W. Stock
Philip W. Stock
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